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5 Attorney for Petitioner  
NICHOLAS FITZSIMONS  
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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9

10 SITTING AS A TREATY TRIBUNAL UNDER  
ARTICLE III SECTION 2 OF THE UNITED STATES CONSTITUTION  
11 CONCURRENT JURISDICTION CONFERRED BY 42 U.S.C.11601 ET SEQ.  
12

13 Nicholas Sean O'Boyle Fitzsimons	)	CASE NO.: CV12 3688
14 Plaintiff,	)	ORDER
15 and	)	JOINT STATUS CONFERENCE
16 Kim Ann Fitzsimons	)	STATEMENT AND REQUEST FOR
17 Defendant	)	<u>DISMISSAL OF CASE</u>
<hr/>		
		Date: 08/22/13
		Time: 10:30 a.m.
		Court Room C, 15 <sup>th</sup> Floor

19 The Convention on the Civil Aspects  
of International Child Abduction,  
20 done at the Hague on 25 Oct. 1980 [The Convention]

21 International Child Abduction Remedies Act  
42 U.S.C. 11601 et seq.  
22

23 This case is now set for a Joint Status Conference on August 22, 2013, at  
24 10:30 a.m. Petitioner's counsel requests that the case now be dismissed. This  
25 request is made with the explicit agreement of the Petitioner herein. The case  
26 regarding the parties' dissolution of their marriage and including custody and  
27 visitation of the minor child is active before the court in the Contracting State,  
28 United Kingdom, of which the minor child is a habitual resident. Respondent's

1 attorney has made several attempts to contact Respondent to request her  
2 agreement that this matter be dismissed, but without response; he does not  
3 oppose this matter being dismissed.

4 For these reasons, counsels request this Court dismiss the action.  
5

6 Respectfully submitted,  
7

8 Date: \_\_\_\_\_ /s/  
9 RICHARD HELZBERG  
Attorney for Petitioner Nicholas Fitzsimons  
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11 Date: \_\_\_\_\_ /s/  
12 BRENT D. SEYMOUR  
Attorney for Respondent Kim Ann Fitzsimons  
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14 The Clerk shall close the file.  
15 Date: August 15, 2013  
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